



Journal of the Senate

State of Indiana

115th General Assembly

Second Regular Session

Twenty-sixth Meeting Day

Wednesday Afternoon

March 5, 2008

The Senate convened at 1:55 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Senator Teresa S. Lubbers.

The Pledge of Allegiance to the Flag was led by Senator Lubbers.

The Chair ordered the roll of the Senate to be called. Those present were:

| | |
|--|---|
| Alting | Long |
| Arnold | Lubbers |
| Becker | Meeks <input checked="" type="checkbox"/> |
| Boots | Merritt |
| Bray | Miller |
| Breaux | Mishler |
| Broden | Mrvan |
| Charbonneau | Nugent |
| Deig | Paul |
| Delph | Riegsecker |
| Dillon | Rogers |
| Drozda <input checked="" type="checkbox"/> | Simpson |
| Errington | Sipes |
| Ford | Skinner |
| Gard | Smith |
| Hershman | Steele |
| Howard <input checked="" type="checkbox"/> | Tallian |
| Hume | Walker |
| Jackman | Waltz |
| Kenley | Waterman |
| Kruse | Weatherwax |
| Lanane | Wyss |
| Landske | Young, M. |
| Lawson | Young, R. |
| Lewis | Zakas |

Roll Call 300: present 46; excused 3. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: I hereby report that due to the death of Senator David Ford on March 5, 2008, a vacancy was created in Senate District 19. Pursuant to my direction, Senator Ford's name will remain on the Roll of Senators until such time as the process to name his successor is complete and the new Senator has taken the oath of office.

LONG

Report adopted.

SENATE MOTION

Madam President: I move that the Motion to Concur on Engrossed Senate Bill 339, filed March 3, 2008, be withdrawn from further consideration by the Senate.

MERRITT

Motion prevailed.

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 215 and that a conference committee be appointed to confer with a like committee of the House.

LANDSKE

Motion prevailed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has concurred with the Senate amendments to Engrossed House Bills 1026, 1061, 1062, 1065, 1114, 1118, 1121, 1122, 1137, 1144, 1164, 1171, 1259, 1266, 1276, and 1318.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1341.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has concurred with the Senate amendments to Engrossed House Bills 1074, 1153, 1162, and 1250.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1165. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the

Senate on said bill and to report thereon:

Conferees:

Avery, Chair
Knollman

Advisors:

Cheatham, Lawson, Behning, and Bell

CLINTON MCKAY
Principal Clerk of the House

Conferees: Weatherwax and Lanane

Advisors: Landske and Arnold

LONG

Date: 3/4/2008

Time: 2:20 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 81(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1187:

Conferees: Lawson and Arnold

Advisors: Bray and Tallian

LONG

Date: 3/4/2008

Time: 2:23 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 81(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1246:

Conferees: Lubbers and Sipes

Advisors: Rogers and Alting

LONG

Date: 3/4/2008

Time: 2:25 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 329:

Conferees: Kruse, Chair and Deig

Advisors: Mishler and Tallian

LONG

Date: 3/4/2008

Time: 2:13 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 315:

MESSAGE FROM THE PRESIDENT OF THE SENATE

Members of the Senate: I have on the 4th day of March, 2008, signed Senate Enrolled Acts: 190 and 281.

REBECCA S. SKILLMAN
Lieutenant Governor

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 3, 2008, signed Senate Enrolled Act 223.

DAVID C. LONG
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 4, 2008, signed House Enrolled Acts: 1108, 1113, 1124, 1210, and 1288.

DAVID C. LONG
President Pro Tempore

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 81(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1105:

Conferees: Bray and Skinner

Advisors: Waterman and Smith

LONG

Date: 3/4/2008

Time: 2:50 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 81(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1119:

March 5, 2008

Senate 1105

Conferees: Dillon, Chair and Hume
Advisors: Mrvan and Mishler

LONG
Date: 3/4/2008
Time: 2:11 p.m.

Report adopted.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 81(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 258:

Conferees: Waterman, Chair and Simpson
Advisors: Bray, Steele, Rogers, and Arnold

LONG
Date: 3/4/2008
Time: 2:03 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
OF CONFEE ASSIGMENTS**

Pursuant to Rule 81(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1249:

Conferees: Wyss and Tallian
Advisors: Alting and Breaux

LONG
Date: 3/4/2008
Time: 2:26 p.m.

Report adopted.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 81(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 227:

Conferees: Becker, Chair and Sipes
Advisors: Delph and Errington

LONG
Date: 3/4/2008
Time: 2:40 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
OF CONFEE ASSIGMENTS**

Pursuant to Rule 81(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1359:

Conferees: Lawson and Broden
Advisors: Paul and Simpson

LONG
Date: 3/4/2008
Time: 2:18 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
OF CONFEE ASSIGMENTS**

Pursuant to Rule 81(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1105:

Advisor: Merritt

LONG
Date: 3/4/2008
Time: 4:42 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
OF CONFEE ASSIGMENTS**

Pursuant to Rule 81(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1179:

Conferees: Bray and Lanane
Advisors: Waltz and Tallian

LONG
Date: 3/4/2008
Time: 3:33 p.m.

Report adopted.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 81(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 213:

Conferees: R. Young, Chair and Hershman
Advisors: Merritt and Errington

LONG
Date: 3/4/2008
Time: 3:35 p.m.

Report adopted.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 81(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors)

on Engrossed Senate Bill 269:
Conferees: Dillon, Chair and Simpson
Advisors: Miller and Rogers

LONG
Date: 3/4/2008
Time: 3:30 p.m.

Report adopted.

SENATE MOTION

Madam President: I move that the Motion to Concur on Engrossed Senate Bill 78, filed February 27, 2008, be withdrawn from further consideration by the Senate.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that the Motion to Concur on Engrossed Senate Bill 314, filed March 4, 2008, be withdrawn from further consideration by the Senate.

NUGENT

Motion prevailed.

MOTIONS TO CONCUR IN HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 81.

KRUSE

Roll Call 301: yeas 46, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 104.

HERSHMAN

Roll Call 302: yeas 46, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 107.

RIEGSECKER

Roll Call 303: yeas 43, nays 3. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 175.

MERRITT

Roll Call 304: yeas 46, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 189.

LANDSKE

Roll Call 305: yeas 46, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 192.

DEIG

Roll Call 306: yeas 46, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 257.

KRUSE

Roll Call 307: yeas 46, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 360.

HERSHMAN

Roll Call 308: yeas 45, nays 1. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 197.

KRUSE

Roll Call 309: yeas 46, nays 0. Motion prevailed.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 78:

Conferees: Zakas, Chair and Broden

Advisors: Steele and Lanane

LONG

Date: 3/5/2008

Time: 2:17 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 215:

Conferees: Landske, Chair and Deig

Advisors: Lawson and Breaux

LONG

Date: 3/5/2008

Time: 2:18 p.m.

Report adopted.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 81(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 314:

Conferees: Nugent, Chair and Lewis

Advisors: Jackman, Skinner, Hershman, and Hume

LONG

Date: 3/5/2008

Time: 2:21 p.m.

Report adopted.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 81(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 339:

Conferees: Merritt, Chair and Rogers

Advisors: Hershman and Lawson

LONG

Date: 3/5/2008

Time: 2:10 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
OF CONFeree ASSIGNMENTS**

Pursuant to Rule 81(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1165:

Conferees: Becker and Sipes

Advisors: Lawson and Breaux

LONG

Date: 3/5/2008

Time: 2:07 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
OF CONFeree ASSIGNMENTS**

Pursuant to Rule 81(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1204:

Advisor: Hershman

LONG

Date: 3/5/2008

Time: 2:04 p.m.

Report adopted.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as coauthor of Engrossed Senate Bill 104.

HERSHMAN

Motion prevailed.

**MOTIONS TO DISSENT
FROM HOUSE AMENDMENTS**

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 78 and that a conference committee be appointed to confer with a like committee of the House.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 314 and that a conference committee be appointed to confer with a like committee of the House.

NUGENT

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 339 and that a conference committee be appointed to confer with a like committee of the House.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, March 6, 2008.

LONG

Motion prevailed.

The Senate adjourned at 2:44 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate